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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Nobuyoshi Ando

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07/17/2006

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EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/020,116	Applicant(s) ANDO ET AL.	
	Examiner Khanh Dinh	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This is in response to the Amendment filed on 4/11/2006. Claims 1-14 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parl et al (US 6,259,404) (hereinafter Parl) in view of Bertrand (US 5,552,989) (hereinafter Bertrand).

As to claims 1 and 4, Parl teaches an appliance located states, which are changed in independence on interaction with a person, accumulating method of accumulating data of a relation of positions where a plurality of appliances mutually connected through a network are located, comprising:

(a) receiving state information indicative of operating state changes of the appliances which include through said network [wherein information indicative of operating state changes is the signal sent by the object (subscriber), the ability to sent a signal indicates that an operating change has occurred (i.e. cell phone that was off is now turned on) (see abstract, fig.1, Col.1, lines 20-26 and col.6 lines 11-59)].

(b) calculating an occurrence time difference from occurrence times when the state changes have been detected as having occurred by differing ones of the appliances, in accordance with occurrence time information indicative of occurrence times of the state changes included in the state information (Col.1, lines 45-50 and col.7 lines 12-60).

Parl does not explicitly teach of:

(c) acquiring distance between appliances which incur the state changes based on the calculated occurrence time difference.

In an analogous art Bertrand teaches acquiring distance between appliances which incur the state changes based on the calculated occurrence time difference (see abstract, fig.3, col.3 line 16 to col.4 line 49). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Bertrand) into Parl's teaching because acquiring the distances between appliances would aid in

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facilitating hand-offs in the event of a cell failure. One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications because it would enable users to position themselves automatically in three dimensions and to observe the topography of places on the display screen in a communications network.

As to claims 2 and 5, Parl teaches of acquiring calculates the positional relation in accordance with the occurrence time difference of the state changes occurred in two appliances (Col 1, lines 45-50) and relationship weight information indicative of a distance between the two appliances (col 19, lines 25-35).

As to claims 3 and 7, Parl teaches of relationship weight information is a value calculated by a predetermined expression in accordance with two elements: number of times of occurring the state changes, and the occurrence time difference of the state changes occurred in the two appliances (col 19, lines 35-57 and Col 20, lines 1-10).

As to claim 6, Parl teaches storing the occurrence time difference of the state changes occurred in the two appliances and the relationship weight information indicative of the distance between the two appliances (see col.12, lines 55-67 and Col 13, lines 1-10).

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As to claim 8, Parl teaches a household appliance located states method of accumulating data of a relation of positions where a plurality of household appliances mutually connected through a household are located, comprising:

(a) receiving state information indicative of operating state changes of the household appliances which include through a network, where the state change occurs responsive to interaction of a person in the home in proximity of the household appliance [wherein information indicative of operating state changes is the signal sent by the object (subscriber), the ability to sent a signal indicates that an operating change has occurred (i.e. cell phone that was off is now turned on) (see abstract, fig.1, Col.1, lines 20-26 and col.6 lines 11-59)].

(b) calculating an occurrence time difference from occurrence times when the state changes have been detected as having occurred by differing ones of the household appliances, in accordance with occurrence time information indicative of occurrence times of the state changes included in the state information (Col.1, lines 45-50 and col.7 lines 12-60).

Parl does not explicitly teach of:

(c) acquiring distance between appliances which incur the state changes based on the calculated occurrence time difference.

In an analogous art Bertrand teaches on this aspect (see abstract, fig.3, col.3 line 16 to col.4 line 49). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Bertrand) into Parl's teaching because acquiring the distances between appliances would aid in facilitating hand-offs in the

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event of a cell failure. One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications because it would enable users to position themselves automatically in three dimensions and to observe the topography of places on the display screen in a communications network.

Claims 9 and 10 are rejected for the same reasons set forth in claims 2 and 3 respectively.

Claims 11-14 are rejected for the same reasons set forth in claims 8, 9, 10 and 2 respectively.

#### ***Response to Arguments***

4. Applicant's arguments filed on 4/11/2006 have been fully considered but they are not persuasive.

- a. Applicant asserts that the Bertran and Parl references are nonanalogous art.

In response to applicant's argument that the Bertran and Parl references are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, they are analogous art because both references are

analogous art because both references are in the field of providing location of communication devices over a communication network.

As a result, cited prior art does disclose a system and method for an appliance located states which are changed in independence on interaction with a person, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

### ***Conclusion***

5. Claims 1-14 are rejected.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-



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3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh  
Primary Examiner  
Art Unit 2151  
7/06/2006